

THE HONORABLE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PAUL D. ETIENNE, et al.,

Plaintiffs,

v.

ROBERT W. FERGUSON, in his official
capacity as Governor of Washington, et al.,

Defendants.

No. 3:25-cv-05461-DGE

**STIPULATED MOTION TO STAY
PROCEEDINGS AND ENTER
PRELIMINARY INJUNCTION AS TO
COUNTY PROSECUTOR
DEFENDANTS**

AND

[PROPOSED] ORDER

NOTING DATE: July 11, 2025

Plaintiffs Paul D. Etienne, Joseph J. Tyson, Thomas A. Daly, Frank R. Schuster, Eusebio L. Elizondo, Gary F. Lazzeroni, Gary M. Zender, Robert Pearson, Lutakome Nsubuga, Jesús Mariscal, and Michael Kelly (“Plaintiffs”) and Defendants Leesa Manion, Larry Haskell, Joseph Brusic, Randy Flyckt, Curt Liedkie, Eric Eisinger, Robert Sealby, Mark Nichols, Tony Golik, Dale Slack, Ryan Jurvakainen, James Mitchell,¹ Michael Golden, Shawn Sant, Mathew

¹ Pursuant to Federal Rule of Civil Procedure 25(d), James Mitchell, the acting Douglas County Prosecuting Attorney under RCW 36.16.115, is substituted in place of the Honorable Gordon Edgar, who retired as Douglas County Prosecuting Attorney effective June 30, 2025.

STIPULATED MOTION
(No. 3:25-cv-05461-DGE)

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1 Newberg, Kevin McRae, Norma Tillotson, Gregory Banks, James Kennedy, Chad Enright,
2 Gregory Zempel, David Quesnel, Jonathan Meyer, Ty Albertson, Michael Dorcy, Albert Lin,
3 Michael Rothman, Dolly Hunt, Mary Robnett, Amy Vira, Rich Weyrich, Adam Kick, Jason
4 Cummings, Erika George, Jon Tunheim, Dan Bigelow, Gabe Acosta, Eric Richey, and Denis
5 Tracy (the “Stipulating Defendants”) jointly move the Court, pursuant to Local Rule 7(d)(1), to
6 stay all proceedings in this case with respect to the Stipulating Defendants pending a final
7 judgment in this case, subject to the Stipulating Defendants’ agreement to be bound by the terms
8 of this Stipulation and Proposed Order, including Exhibit A attached thereto.

9 On May 29, 2025, Plaintiffs filed a Complaint (Dkt. 1) against the Stipulating Defendants
10 and others, including Robert W. Ferguson, in his official capacity as Governor of Washington
11 and Nicholas W. Brown, in his official capacity as Attorney General of Washington. The
12 Complaint alleges that Section 26.44.030(1)(a) of the Revised Code of Washington (RCW), as
13 amended by Senate Bill 5375, violates the First and Fourteenth Amendments to the U.S.
14 Constitution, as well as Article I, Section 11 of the Washington Constitution. None of the
15 defendants named in the lawsuit have yet answered or otherwise responded to the Complaint.

16 On June 5, 2025, Plaintiffs filed a Motion for Preliminary Injunction (“Motion”) against
17 all defendants (Dkt. 65) seeking to preliminarily enjoin them from enforcing or attempting to
18 enforce RCW § 26.44.030, as amended by Senate Bill 5375, as applied to information learned by
19 Roman Catholic priests solely through the Sacrament of Confession. Four defendants have filed
20 responses to the Motion. *See* Dkt. 131; Dkt. 172; Dkt. 175.

21 The Stipulating Defendants seek to avoid the cost and burdens of this litigation and have
22 agreed not to oppose, either during this litigation or on appeal, Plaintiffs’ requests for injunctive
23 relief against them. The Stipulating Defendants and Plaintiffs have further agreed that, to allow
24 for the Plaintiffs to pursue their claims against the remaining defendants, the Plaintiffs’ claims
25 against the Stipulating Defendants will be stayed in their entirety until the Court’s entry of a final
26 judgment in this lawsuit, thus precluding the Stipulating Defendants from (i) responding to the

27 STIPULATED MOTION
28 (No. 3:25-cv-05461-DGE)

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1 Complaint, (ii) participating in motions practice, and (iii) propounding (or being subject to)
2 discovery. In exchange for Plaintiffs' agreement to stay the lawsuit against them, the Stipulating
3 Defendants stipulate to the Court's entry of the Plaintiffs' proposed preliminary injunction
4 against them (Dkt. 65-1), pending the Court's final judgment, including during the pendency of
5 any potential interlocutory appeal. The Stipulating Defendants have further agreed to consent to
6 the Court's final judgment as to the remaining defendants and not to appeal any such judgment.

7 In consideration of these mutual agreements, Plaintiffs have agreed not to seek attorneys'
8 fees and/or costs from the Stipulating Defendants at the conclusion of this matter and regardless
9 of the Court's final judgment. The Stipulating Defendants have likewise agreed to waive any
10 claim for attorneys' fees and/or costs from the Plaintiffs, regardless of the Court's final
11 judgment.

12 IT IS SO STIPULATED by and between the Parties.

13 * * *

14 //
15 //

16 I certify that this memorandum contains 611 words, in compliance with the Local Civil
17 Rules.

18 DATED: July 11, 2025
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27 STIPULATED MOTION
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 41 (No. 3:25-cv-05461-DGE)

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 STIPULATED MOTION
 (No. 3:25-cv-05461-DGE)

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[PROPOSED] ORDER**PURSUANT TO THE FOREGOING STIPULATION, IT IS SO ORDERED.**

This matter is before the Court on the Stipulated Motion to Stay Proceedings and Enter Preliminary Injunction as to County Prosecutor Defendants (“Motion”) (Dkt. 65). Defendants Leesa Manion, Larry Haskell, Joseph Brusic, Randy Flyckt, Curt Liedkie, Eric Eisinger, Robert Sealby, Mark Nichols, Tony Golik, Dale Slack, Ryan Jurvakainen, James Mitchell, Michael Golden, Shawn Sant, Mathew Newberg, Kevin McRae, Norma Tillotson, Gregory Banks, James Kennedy, Chad Enright, Gregory Zempel, David Quesnel, Jonathan Meyer, Ty Albertson, Michael Dorcy, Albert Lin, Michael Rothman, Dolly Hunt, Mary Robnett, Amy Vira, Rich Weyrich, Adam Kick, Jason Cummings, Erika George, Jon Tunheim, Dan Bigelow, Gabe Acosta, Eric Richey, and Denis Tracy (the “Stipulating Defendants”) have agreed, in exchange for Plaintiffs’ agreement to stay the lawsuit against them, to stipulate to the Court’s entry of the Plaintiffs’ proposed preliminary injunction (Dkt. 65-1) pending the Court’s final judgment in this case, including during the pendency of any potential interlocutory appeal. The Stipulating Defendants have further agreed to consent to the Court’s final judgment against the remaining defendants and not to appeal any such judgment. In consideration of these mutual agreements, Plaintiffs have agreed not to seek attorneys’ fees and/or costs from the Stipulating Defendants at the conclusion of this matter and regardless of the Court’s final judgment. The Stipulating Defendants have likewise agreed to waive any claim for attorneys’ fees and/or costs from the Plaintiffs, regardless of the Court’s final judgment.

Having reviewed the Motion, the docket and all related material, and good cause appearing therefrom, the Court hereby ORDERS as follows:

1. The Stipulating Defendants are hereby subject to and bound by Exhibit A to this Order.
2. Plaintiffs’ action against the Stipulating Defendants shall be STAYED until the entry of a final judgment in this matter as to all other defendants. During the pendency of the stay,

[PROPOSED] ORDER GRANTING
STIPULATED MOTION

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the Stipulating Defendants' deadline to respond to the Complaint and all other case deadlines applicable to the Stipulating Defendants shall be STRICKEN.

3. The Stipulating Defendants will not appeal any interlocutory ruling in this matter, including but not limited to the Court's ruling on Plaintiffs' Motion for Preliminary Injunction (Dkt. 65).
4. The Stipulating Defendants will consent to the Court's final judgment against the remaining defendants and will not appeal any such judgment.
5. In consideration of these mutual agreements, Plaintiffs will not seek attorneys' fees and/or costs from the Stipulating Defendants at the conclusion of this matter and regardless of the Court's final judgment. The Stipulating Defendants likewise waive any claim for attorneys' fees and/or costs from the Plaintiffs, regardless of the Court's final judgment.

IT IS SO ORDERED.

DATED this ____ day of _____, 2025

HONORABLE DAVID G. ESTUDILLO
CHIEF UNITED STATES DISTRICT JUDGE

Presented by:

/s/ Siddharth Velamoor

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STIPULATED MOTION

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EXHIBIT A

Pursuant to the Stipulated Motion of Plaintiffs Paul D. Etienne, Joseph J. Tyson, Thomas A. Daly, Frank R. Schuster, Eusebio L. Elizondo, Gary F. Lazzeroni, Gary M. Zender, Robert Pearson, Lutakome Nsubuga, Jesús Mariscal, and Michael Kelly (“Plaintiffs”) and Defendants Leesa Manion, Larry Haskell, Joseph Brusica, Randy Flyckt, Curt Liedkie, Eric Eisinger, Robert Sealby, Mark Nichols, Tony Golik, Dale Slack, Ryan Jurvakainen, James Mitchell, Michael Golden, Shawn Sant, Mathew Newberg, Kevin McRae, Norma Tillotson, Gregory Banks, James Kennedy, Chad Enright, Gregory Zempel, David Quesnel, Jonathan Meyer, Ty Albertson, Michael Dorcy, Albert Lin, Michael Rothman, Dolly Hunt, Mary Robnett, Amy Vira, Rich Weyrich, Adam Kick, Jason Cummings, Erika George, Jon Tunheim, Dan Bigelow, Gabe Acosta, Eric Richey, and Denis Tracy (the “Stipulating Defendants”), IT IS HEREBY ORDERED that the Stipulating Defendants and their agents, servants, employees, and attorneys, and other persons who are in active concert or participation with Stipulating Defendants, their agents, servants, employees, and attorneys, are preliminarily enjoined, pursuant to Federal Rule of Civil Procedure 65(a), from enforcing or attempting to enforce RCW § 26.44.030, as amended by Senate Bill 5375, as applied to information learned by Roman Catholic priests solely through the Sacrament of Confession.

[PROPOSED] ORDER GRANTING
STIPULATED MOTION

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